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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,228	04/28/2005	Frank Hundscheidt	PI7101US1	7067
27045 7590 07/21/2008 ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024				
EXAMINER				
AFOLAB1, MARK O				
ART UNIT		PAPER NUMBER		
4122				
MAIL DATE		DELIVERY MODE		
07/21/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/533,228

Applicant(s)

HUNDSCHIEDT ET AL.

Examiner

MARK O. AFOLABI

Art Unit

4122

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/17/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-12, 14 and 20-23 is/are rejected.
- 7) ☒ Claim(s) 10, 13, 15-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB08)
- Paper No(s)/Mail Date 04/28/2005
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This communication is in response to application No. 10/533,228 filed on 10/17/2003, claims 1-23 have been examined.

Drawings

1. The informal drawing (Figure 3) is not of sufficient quality to permit examination. Accordingly, replacement drawing sheets in compliance with 37 CFR 1.121(d) is required in reply to this Office action. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

Applicant is given a TWO MONTH time period to submit new drawings in compliance with 37 CFR 1.81. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a). Failure to timely submit replacement drawing sheets will result in ABANDONMENT of the application.

Specification

2. The abstract of the disclosure is objected to due to an improper language; hence, applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "*means*" and "*said,*" should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Arrangement of the Specification

3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.

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- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The specification is objected to due to the following:

1. The specification should read: BACKGROUND OF THE INVENTION and not as BACKGROUND.
2. Invention background should follow the standard format as stated above
BACKGROUND OF THE INVENTION
 - (1) Field of the Invention.-
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

Claim Objections

4. Claim 10 is objected to under 37 CFR 1.75(c) as being an improper form because claim 10 is a multi-dependent claim, which is dependent on multi-dependent claims 5, 7 and 9. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

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5. Claim 13 is objected to under 37 CFR 1.75(c) as being in an improper form because claim 13 is a multi-dependent claim, which is dependent on multi-dependent claims 5, 7, 9, and 10. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

6. Claim 15 is objected to under 37 CFR 1.75(c) as being in an improper form because claim 15 is a multi-dependent claim, which is dependent on multi-dependent claims 5, 7, 9, 10, and 13. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

7. Claim 16 is objected to under 37 CFR 1.75(c) as being in an improper form because claim 16 is a multi-dependent claim, which is dependent on multi-dependent claims 5, 7, 9, 10, 13 and 15. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

8. Claim 17 is objected to under 37 CFR 1.75(c) as being in an improper form because claim 17 is a multi-dependent claim, which is dependent on multi-dependent claims 5, 7, 9, 10, 13, 15 and 16. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

9. Claim 18 is objected to under 37 CFR 1.75(c) as being in an improper form because claim 18 is a multi-dependent claim, which is dependent on multi-

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dependent claims 5, 7, 9, 10 and 13. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

10. Claim 19 is objected to under 37 CFR 1.75(c) as being in an improper form because claim 17 is a multi-dependent claim, which is dependent on multi-dependent claims 5, 7, 9, 10, 13, 15, 16 and 18. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(b) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1, 4, 9, 11, 20, 21, 22 and 23 are rejected under 35 U. S. C. 102(b) as being anticipated by Zhu et. al. (US 5,768,527) (Zhu hereafter).

Regarding claim 1, Zhu teaches a method for adaptation of multi-user multimedia data in a communication system with a server (Fig. 1—item 102) providing the multi-user multimedia data to clients (Fig. 1—item 110) and with an intermediate network part (access gateway, Fig. 1—item 106), characterized in that

said intermediate network part provides information on communication between the server and the clients and said method comprises (Fig. 1)

sending data stream from the server (Fig. 1—item 102) to the clients (multimedia client, Fig. 1—item 110) (Fig. 1),

determining of distribution characteristics (low-speed)(Fig. 1—item 108) associated with the clients (Fig. 1) ,

in said intermediate network part generating aggregated feedback report on the clients' (Fig. 6—item 314 and col. 4, lines 51-55) reception conditions of the data stream considering the distribution characteristics, wherein said feedback report includes information about aggregation fashion (Fig. 6 and Col. 7, lines 50-55)

sending the aggregated feedback report to the server (Fig. 7—item 734 and col. 7, lines 21-24 and 44-55),

adapting the transmission of the data stream from the server (Fig. 7—item 718 and col. 11, lines 38-42) to the clients according to the aggregated feedback report (Fig. 7 and Col. 7, lines 50-55).

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Regarding claim 4, characterized in that the distribution characteristics (low speed) [Fig. 6—item 608] are related to a determined multicast group structure (Fig. 6).

Regarding claim 9, characterised in that feedback reports from the clients are suppressed in the network terminals (col. 10, lines 27-36).

Regarding claim 11, Zhu teaches characterised in that the information about aggregation fashion [multiple copies of the same retransmission] (Fig. 6 and Col. 7, lines 50-61), includes a number of clients to which the aggregated feedback report applies (col. 1, lines 38-43).

Regarding claim 20, Intermediate network part adapted to perform an adaptation of multi-user data stream in a communication system with a server providing the multi-user data stream to clients, wherein said intermediate network part is arranged to provide information on communication between the server and the clients and wherein said intermediate network part comprises (this claim recite all the limitations of claim 1 preamble, thereby same rationale of rejection is applicable, including the following):

Means (Access gateway—item 606) for forwarding data stream from the server to the clients (Fig 1 and Fig. 6),

Means (Fig 1—item 108) for determining of distribution characteristics associated with the clients (Fig. 1)

means (Fig. 6—item 314) for generating an aggregated feedback report on the clients' (col. 4, lines 51-55) reception conditions of the data stream considering distribution characteristics, wherein said feedback reports include additional information about aggregation fashion [multiple copies of the same retransmission] (Fig. 6 and Col. 7, lines 50-61),

means (Fig. 7—item 734) for sending the aggregated feedback report to the server (col. 7, lines 21-24 and 44-50).

Regarding claim 21, having all means implemented in a same network node (Fig. 6 and col. 8, lines 24-31).

Regarding claim 22, having the means (Fig 1—item 108) for determining of distribution characteristics associated with the clients and the means (Fig. 6—item 314) for generating an aggregated feedback report being split between different nodes [such as packet buffer—item 202, packet processor—item 204, robust multimedia player—item 206, feedback messages] (Fig. 2 and col. 4, line 67-through col. 5, lines 1-6).

Regarding claim 23, having means (Fig. 9—item 914) for receiving the external determined distribution characteristics associated with the clients (Fig. 9 and col. 11, lines 61-67).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 2, 3, 5, 6, 7, 8, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhu (US 5,768,527) in view of Naghian et al. (US 2004/0102195 A1) (Naghian hereafter)

Regarding claim 2, Zhu teaches a method for adaptation of multi-user multimedia data in a communication system with server providing the multimedia data to clients through an intermediate network part, characterised in that said intermediate network part provides information on communication between the server and the clients and said method (Fig. 6).

Zhu does not explicitly teach the method related to a geographical area including in a group of clients and wherein the characteristics are related to information received from a radio resource management;

However, Naghian discloses a method wherein the distribution characteristics (e.g. services or service aspects) are related to a geographical area including a group of clients (e.g. where service provider may define the geographical areas where certain services or service aspects are available to the [clients] mobile stations in a geographical location) ([0091]).

It would have been obvious to one of ordinary skill in the art at the time invention was made to combine Zhu's teaching with Naghian's teaching for adaptation of multi-user multimedia data in a communication system with the server providing the multimedia data to clients through an intermediate network part to a geographical area where the information received is from a radio resource management. The motivation for doing so would be that the service provider sets information about the geographical areas in the cell broadcasting center (CBC). The CBC may then broadcast this information over all radio cell in part of the geographical area.

Regarding claim 3, characterized in that the geographical area is covered by one or more cells in a wireless communication network ([Fig. 7 and 0093]).

Regarding claim 5, Naghian discloses a method wherein the distribution characteristics (e.g. handoff of mobile station between base stations, 0052) are related to information (location information such as location assistance data) received from a radio resource management (Claim 16).

Regarding claim 6, characterized in that the information received from the radio resource management are sent either frequently or event-based (e.g. the radio resource control function controls the information based on information from location service function, Claim 10).

Regarding claim 7, characterised in that the distribution characteristics are related to information received from the clients ([0017]).

Regarding claim 8, characterised in that the information received from the clients are sent either frequently or event-based ([0091]).

Regarding claim 12, characterised in that the additional information about aggregation fashion comprises radio characteristics of an access network in which the clients are ([0034]).

Regarding claim 14, the method according to claim characterised in that a negotiation on the frequency of feedback reports from the clients (e.g. sending notification to the clients) and/or from the radio resource management to the intermediate node (e.g. service provider) is performed (Claim 28).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK O. AFOLABI whose telephone number is (571) 270-5627. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beatriz Prieto can be reached on 571-272-3902. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M.O.A/
/Mark O. Afolabi/
Examiner GAU 4122

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Supervisory Patent Examiner, Art Unit 4122**